

**REMARKS**

The present application includes claims 1-59, 87-103 and 145-155. Claims 60-86 and 104-144 were directed to withdrawn embodiments and were therefore cancelled. Claim 155 is new. Claims 1, 6, 8 and 42 were amended. Claim 42 was amended to clarify that the second acoustic signal is transmitted from the computer. This amendment focuses dependent claim 42 on a specific embodiment, without excluding other embodiments from independent claim 1.

Claims 1-16, 25-59, 87-103 and 145-154 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (US patent 5,764,900) in view of August et al. (US patent 6,389,055).

Claims 17-24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (US patent 5,764,900) in view of August et al. (US patent 6,389,055) and further in view of Foxlin (U.S. 6,176,837).

Regarding claim 1, the claim was amended to require determining a spatial position, distance or movement of the microphone relative to the source, responsive to the received at least one signal. This limitation presents in the alternative, the limitations of claims 17, 18 and 21. Regarding claims 17-24, the Examiner stated that it would be obvious to combine the teachings of Morris and August, with the teachings of Foxlin. Applicants respectfully disagree with this statement and state that the Examiner has not established a *prima facie* rejection, since the Examiner has not provided any motivation to combine the teachings of Morris and August with the teachings of Foxlin.

Morris relates to transfer of acoustic information and August relates to transfer of information encoded on acoustic signals. Foxlin relates to determining the location and orientation of a body using acoustic signals (col. 1, lines 5-7). Foxlin only encodes information on Infrared signals (col. 5, lines 45-65) and not on acoustic signals. There is no need in the system of Foxlin to encode information on the acoustic signals in order to identify the location of the body and Foxlin does not suggest such encoding. In fact, in teaching encoding on infrared signals, while acoustic signals are available, Foxlin teaches away from encoding the acoustic signals. Morris and August do not suggest determining spatial, distance and movement information and have no reason to do so.

Some potential advantages of the invention of claim 1 appear for example on page 24 of the present application.

The dependent claims are allowable at least due to their parent claim. Nonetheless, at least some of the dependent claims add further patentability over the art. Claim 25, for example, requires emulating a touch screen. Explanation of the operation of the touch screen appears in the present application on page 25, line 27 ~ page 26, line 4. August, col. 6, lines 29-41, relates to transmission of information to a smart mouse device. August, however, does not suggest using the mouse to emulate a touch screen, but rather to display information received on acoustic signals.

Claim 27, for example, requires controlling a toy responsive to the received sound. Applicant did not find a mention of the control of a toy, in the passages of August cited by the Examiner.

Claim 32, for example, requires that the encoded information on the transmitted acoustic signal is programming information. The use of signals encoded with programming information in order to determine a spatial position, distance or movement is not taught by any of the cited pieces of art and would not be obvious.

Regarding claims 2 and 4, applicants respectfully traverse the rejection and state that the Examiner has not established a *prima facie* rejection, since at least one requirement of claims 2 and 4 is not taught or suggested by any of the cited pieces of art.

Claims 2 and 4 require transmitting from a source at least one first acoustic signal encoded with information and transmitting to the source at least a second acoustic signal encoded with information.

Morris relates to a system for communicating digitally-encoded acoustic information across a computer network (abstract). The acoustic signals mentioned by Morris as being received by a microphone are acoustic signals generated by users and collected by microphones (col. 1, lines 30-33 and col. 2, lines 42-44, col. 3, lines 45-47). As these acoustic signals are generated by humans, they are not encoded.

Morris also relates to acoustic signals downloaded, stored on a disk drive or generated by a text-to-sound conversion algorithm (col. 2, lines 44-47). None of these acoustic signals are received by a microphone, as required by claims 2 and 4.

August relates to one way transmission of encoded acoustic signals. August does not teach or suggest transmission of acoustic signals back to the source. Rather, the information received on

the acoustic signal may be output to a remote agent or device, such as via a telephone call or a data transfer (col. 6, lines 11-17 and 29-41), and not as acoustic signals back to the source.

Thus, neither of the cited references teaches or suggests transmitting acoustic signals to the source and from the source.

Regarding claim 6, the claim was amended to require initiating an operation of the telephone responsive to the received signal, without additional human intervention. The amendment is based on the meaning of the term control on page 37, lines 1-6, of the present application.

As mentioned above, Morris does not relate to transmission of acoustic signals encoded with information. In addition, as mentioned by the Examiner, Morris does not relate to telephones at all. August does not relate to automatic control without human intervention, as required by amended claim 6. In August, the encoded information is used by a user to select a desired operation (col. 7, lines 34-43, col. 9, lines 43-59 and col. 13, lines 16-26), and not to perform an act without human intervention.

Regarding claim 8, the claim was amended to require that the at least one acoustic signal encoded with information comprises a stand alone signal not overlaid on a human tangible signal. In contrast, in August, the encoded acoustic signal is provided on a human tangible signal (col. 3, lines 1-5).

Regarding claim 87, the claim requires analyzing information-encoding acoustic signals to determine an operational status. August, in contrast, describes acoustic signals that encode general nature information (col. 4, lines 49-57 and col. 5, lines 39-43). Col. 9, lines 5-42, to which the Examiner related, describes (col. 9, lines 18-21) status of the receiver 110 (e.g., that capture device 110 is in the process of capturing data). The status is not determined from the received acoustic signals, as required by claim 87.

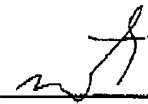
The dependent claims not discussed above, are allowable at least because of their parent claim.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the

100/02143 A03

present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,  
Alon ATSMON et al.

---

Maier Fenster  
Reg. No. 41,016

March 7, 2005

William H. Dippert, Esq.  
Reed Smith LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, NY 10022-7650

Tel: (212) 521-5400